

Message Text

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ACTION STR-07

INFO OCT-01 ARA-10 IO-13 ISO-00 STRE-00 AGRE-00 CEA-01

CIAE-00 COME-00 DODE-00 EB-08 FRB-03 H-01 INR-10

INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00

AID-05 SS-15 ITC-01 TRSE-00 ICA-11 SP-02 SOE-02

OMB-01 DOE-15 XMB-02 OPIC-03 JUSE-00 AF-10 EA-10

EUR-12 NEA-11 /172 W

-----072210 111726Z /43

R 111535Z MAY 78

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 7463

INFO USMISSION GENEVA

AMEMBASSY BUENOS AIRES

AMEMBASSY CARACAS

AMEMBASSY MEXICO

AMCONSUL SAO PAULO

AMCONSUL RIO DE JANEIRO

LIMITED OFFICIAL USE SECTION 1 OF 4 BRASILIA 3792

PASS STR ELECTRONICALLY GENEVA FOR MTN

E.O. 11652: N/A

TAGS: ETRD, MTN, BR

SUBJECT: U.S.-BRAZIL SUB-GROUP ON TRADE MORNING SESSION, MAY 9:

BILATERAL ISSUES RAISED BY THE US

1. SUMMARY. BRAZILIAN NEGOTIATORS AT THE MAY 9TH MORNING SESSION OF THE US-BRAZIL SUB-GROUP ON TRADE APPEARED SOMEWHAT ON THE DEFENSIVE AS THE US DELEGATION PRESSED A SERIES OF BILATERAL ISSUES. ON THE ISSUE OF GATT ARTICLE XXVIII, THE BRAZILIAN DELEGATION WAS NOT PREPARED TO PROVIDE A SUBSTANTIVE RESPONSE, APPARENTLY DUE TO CONTINUED INTERNAL GOB DIFFERENCES, BUT WAS CLEARLY APPRE-
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HENSIVE OVER POSSIBLE US WITHDRAWAL OF TARIFF CONCESSION. HEAD OF BRAZILIAN DELEGATION PROENCA ROSA LIMITED HIS RESPONSE TO A REQUEST FOR MORE TIME TO ADDRESS THIS PROBLEM (HE SUGGESTED THAT SUBSTANTIAL PROGRESS COULD BE MADE AT A PROPOSED EARLY JUNE MEETING, WITH A LATE JUNE FOLLOW-UP MEETING) WITHOUT MAKING A SUBSTANTIVE DEFENSE

OF THE BRAZILIAN POSITION. ON BILATERAL ISSUES
PIRES (FONMIN'S TRANSPORTATION DIVISION CHIEF)
GAVE A STRONG DEFENSE ON THE SEA-LAND
DISPUTE, ANTONIO LICIO (MINISTRY OF AGRICULTURE)
RAISED HOPE THAT THE LONG STANDING APPLES AND
PEARS QUESTION CAN BE RESOLVED, AND GENERAL
AVIATION ISSUES WILL BE FURTHER DISCUSSED IN
GENEVA BUT WITH LITTLE HOPE FOR PROGRESS. END
SUMMARY.

2. ARTICLE XXVIII. US DELEGATION (AMBASSADORS WOLFF AND
MONTGOMERY) STATED THE MORNING MAY 9 SESSION OF THE SUB-GROUP
ON TRADE WITH THE PRESENTATION OF THE US POSITION ON
ARTICLE XXVIII GATT WAIVER. THEY MENTIONED THAT BRAZILIAN
COMPENSATION FOR THE CONCESSIONS WITHDRAWN UNDER ARTICLE XXVIII
HAS BEEN A LONG-STANDING ISSUE (NEARLY 10 YEARS) AND THAT
THE MTN, ALTHOUGH NOT LINKED WITH THESE DISCUSSIONS, PROVIDES
AN OPPORTUNITY TO REACH A FINAL SETTLEMENT. IT WAS
STRESSED THAT THE US HAS PRESENTED A REQUEST LIST,
TO RESTORE THE BALANCE OF US-BRAZILIAN/CONCESSIONS
BUT THAT THUS FAR THE BRAZILIANS HAVE NOT RESPONDED
TO IT. THE DELEGATION MENTIONED THAT THE LONG DE-
LAY IN RESOLVING THIS ISSUE CALLS INTO QUESTION
THE VALUE AND SECURITY OF ANY FUTURE BRAZILIAN CON-
CESSIONS IN THE MTN. FINALLY THE DELEGATION EM-
PHASIZED THAT IT IS TIME FOR A SATISFACTORY
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BRAZILIAN RESPONSE AND THAT WE ARE CURRENTLY
CONSIDERING TAKING STEPS, UNDER OUR GATT RIGHTS
FOR THE WITHDRAWAL OF US CONCESSIONS.

3. AFTER A LONG DISCUSSION AMONG MEMBERS OF THE
BRAZILIAN DELEGATION, PROENCA ROSA WITHOUT ATTEMPTING
TO MAKE ANY SUBSTANTIVE DEFENSE OF THE BRAZILIAN
POSITION, ASKED FOR FURTHER TIME TO RESOLVE IN-
TERNAL BRAZILIAN GOVERNMENT DIFFERENCES. PROENCA
ROSA EXPLAINED THAT THE GOB IS URGENTLY EXPLORING
POSSIBILITIES TO SOLVE THE COMPENSATION PROBLEM
AND WAS OPTIMISTIC THAT A NEGOTIATED SOLUTION

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OMB-01 DOE-15 XMB-02 OPIC-03 JUSE-00 AF-10 EA-10
EUR-12 NEA-11 /172 W
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R 111535Z MAY 78
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC 7364
INFO USMISSION GENEVA
AMEMBASSY BUENOS AIRES
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COULD BE FOUND. HE STATED HIS BELIEF THAT VERY
SIGNIFICANT PROGRESS COULD BE MADE IN THE NEXT
CONSULTATIONS (HE PROPOSED EARLY JUNE IN GENEVA)
INCLUDING DETAILED PRODUCT-BY-PRODUCT EXAMINATION
OF THE US REQUEST. HE ADDED THAT, IF NECESSARY,
A FURTHER CONSULTATION COULD BE SCHEDULED (HE
PROPOSED LATE JUNE) TO NEGOTIATE A SOLUTION. HE
STRESSED THAT THE GOB IS LOOKING FOR A NEGOTIATED
SETTLEMENT AND URGED THAT THE US NOT TAKE ANY
ACTIONS IN THE NEXT FEW WEEKS THAT WOULD DAMAGE
EFFORTS WITHIN THE GOB TO REACH A CONSENSUS ON A
RESPONSE, HARM EFFORTS TO BRING THE MTN TO AN EARLY
AND SUCCESSFUL CONCLUSION AND COMPLICATED GENERAL
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BILATERAL RELATIONS BETWEEN THE US AND BRAZIL.

4. AMBASSADOR WOLFF STATED THAT THE US HAS DRAWN
UP A TENTATIVE LIST OF CONCESSIONS TO BE WITHDRAWN
IN PREPARATION FOR PUBLIC HEARING ON THIS QUESTION.
HE ADDED THAT IN VIEW OF THE BRAZILIAN REQUEST FOR
ADDITIONAL TIME TO PREPARE FOR CONSULTATIONS IN
JUNE THE US WILL HOLD BACK HEARINGS ON US WITH-

DRAWALS; HOWEVER, IF THE EARLY JUNE MEETINGS DO NOT PROVIDE GROUNDS FOR OPTIMISM FOR A NEGOTIATED SETTLEMENT, PUBLIC HEARINGS WOULD HAVE TO BE SCHEDULED. AMBASSADOR WOLFF EMPHASIZED THAT PREPARATIONS FOR WITHDRAWAL OF TARIFF CONCESSIONS ARE NOT A THREAT BUT AN ATTEMPT TO BALANCE CONTRACTUAL OBLIGATIONS. HE MENTIONED THAT IN VIEW OF BRAZIL'S STATUS AS A DEVELOPING NATION THE TENTATIVE LIST OF PRODUCTS TO BE WITHDRAWN REPRESENTS A SMALLER PORTION OF TRADE VALUE THAN THE CONCESSION WITHDRAWN BY BRAZIL UNDER THE GATT WAIVER CLAUSE. AT PROENCA ROSA'S REQUEST, A COPY OF THE TENTATIVE WITHDRAWAL LIST WAS GIVEN THE BRAZILIAN DELEGATION.

5. TEXT OF TENTATIVE WITHDRAWAL LIST FOLLOWS:

QUOTE TENTATIVE LIST (ASTERISK)

TSOS	DESCRIPTION
40.40.24	CATFISH, FILLETED; FRESH, CHILLED OR FROZEN
121.20	PATENT LEATHER
141.79	PALM HEARTS, PREPARED OR PRESERVED.
145.42	BRAZIL NUTS, SHELLED, BLANKED OR OTHERWISE PREPARED OR PRESERVED
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152.54	GUAVA, PASTE OR PULP
165.40	GRAPE JUICE
202/12	PARANA PINE
380.18	OTHER MEN'S AND BOY'S COTTON DRESSING GOWNS, KNIT OR NOT KNIT
437.64	MENTHOL
685.21	CAR RADIOS
700.45.10	WOMEN'S FOOTWEAR, LEATHER, CASUAL.
730/27	RIFLES, VALUED OVER \$10 BUT NOT OVER \$25 EACH
730.41	SHOTGUNS, VALUED OVER \$10 BUT NOT OVER \$25 EACH

THIS IS A PRELIMINARY LIST. WE ARE STILL RE-
SEARCHING ITEMS APPROPRIATE FOR THE LIST. PRODUCT
COVERAGE, THE AMOUNT OF DUTY INCREASES AND TOTAL
TRADE COVERAGE ARE STILL NOT DECIDED.

(ASTERISK) DOES NOT INCLUDE ORANGE JUICE END QUOTE

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EUR-12 NEA-11 /172 W

-----072398 111727Z /43

R 111535Z MAY 78

FM AMEMBASSY BRASILIA

TO RUEHCXSECSTATE WASHDC 7365

INFO USMISSION GENEVA

AMEMBASSY BUENOS AIRES

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6. SEA-LAND. AMBASSADOR WOLFF PROVIDED AN OVERVIEW OF THE SEA-LAND PROBLEM AND STATED THAT SEA-LAND IS CONSIDERING SECTION 301 BRAZILIAN LEGAL ACTION UNDER THE TRADE ACT. HE STRESSED OUR CONCERN OVER THE LEGAL LIMITATIONS ON TRANSSHIPMENTS TO BRAZIL THROUGH PUERTO RICO, STRESSING OUR CONCERN OVER THE LAW'S INTERFERENCE WITH INTERNAL US COMMERCE.

7. HELCIO TAVARES PIRES (FONMIN'S TRANSPORTATION DIVISION CHIEF) PRESENTED THE BRAZILIAN VIEW OF THE PROBLEM. HE STATED THAT SEA-LAND IS WELCOME IN BRAZIL BUT THAT THE COMPANY WOULD HAVE TO ABIDE BY BRAZILIAN LAWS AND REGULATIONS AND THAT THE SEA-LAND
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DECISION HAD BEEN TAKEN AT THE HIGHEST LEVELS (I.E. IT HAD PRESIDENT GEISEL'S APPROVAL). HE EMPHASIZED THAT AS SEA-LAND IS ONLY COMPETING FOR THE US

PORTION OF THE POOL, BRAZIL DOES NOT HAVE A DIRECT COMMERCIAL INTEREST TO PROTECT AND THAT TO SEA-LAND'S ENTRY HAS BEEN OPPOSED BY TWO AMERICAN COMPANIES, MOORE-MCCORMICK AND DELTA LINES.. HE EXPLAINED THAT THE COMPANY HAS RUN UP AGAINST TWO BRAZILIAN SHIPPING REGULATIONS -- A RESTRICTION WHICH REQUIRES CARGO CONTAINERS TO MEET ISO STANDARDS (I.E., 10, 20, 40 FOOT CONTAINERS) AND A REQUIREMENT THAT CARGOES BE SHIPPED DIRECTLY FROM PORT OF ORIGIN TO PORT OF ESTINATION. THE RESTRICTION ON CARGO CONTAINERS IS DUE TO PLANS, ALREADY FORMULATED, TO BUILD TERMINALS IN RIO AND SAO PAULO WHICH WILL ONLY ACCOMMODATE STANDARD ISO CONTAINERS. PIRES ADDED THAT THE BRAZILIAN LAW RESTRICTION ON CARGO CONTAINERS IS DUE TO PLANS, ALREADY FORMULATED, TO BUILD TERMINALS IN RIO AND SAO PAULO WHICH WILL ONLY ACCOMMODATE STANDARD ISO CONTAINERS. PIRES ADDED THAT THE BRAZILIAN LAW RESTRICTING CARGO SHIPMENT TO POINT OF ORIGIN (FOR-BIDDING TRANSSHIPMENT THROUGH PUERTO RICO) IS DESIGNED TO PROTECT BRAZILIAN CARGO POOLING ARRANGEMENTS WITH OTHER NATIONS. AS PUERTO RICO IS CURRENTLY OUTSIDE THE US-BRAZIL POOLING ARRANGEMENT, SEA-LAND'S ENTRY INTO THE BRAZILIAN TRADE (IF OPERATIONS ARE CARRIED OUT THROUGH SEA-LAND'S TERMINAL IN PUERTO RICO) COULD MAKE IT IMPOSSIBLE TO CONTROL THE SHARING OF CARGOES BETWEEN US AND BRAZILIAN LINES AND THEREFORE DAMAGE BOTH THE US AND BRAZILIAN INDUSTRIES. HE WENT ON TO EXPLAIN THAT BRAZIL HAD WISHED TO LIMITED OFFICIAL USE

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MODIFY THE CURRENT US/BRAZILIAN POOLING ARRANGEMENT WITHOUT AROUSING US INTEREST, AND THAT PRESENT DIFFICULTIES COULD HAVE BEEN AVOIDED IF THE BRAZILIAN REVISIONS HAD BEEN ACCEPTED. AMBASSADOR WOLFF RESPONDED BY EMPHASIZING US INTEREST IN A SOLUTION OF THIS PROBLEM. HE READ EXCERPTS FROM TH LETTER TO GENERAL NEWTON CYRO BRAGA FROM MARAD BLACKWELL AS PRESENT US POSITION.

8. APPLIES, PEARS, ALMONDS. USDEL (WHITE) GAVE A PRESENTATION ON THE LONG STANDING APPLIES AND PEARS AND DRIED FRUITS AND NUTS DISPUTES. USDEL STRESSED THAT ALTHOUGH THE TRADE VOLUME IN THESE ITEMS IS SMALL, THE ISSUE IS POLITICALLY SENSITIVE. WHITE REVIEWED THE US SUGGESTIONS FOR A SOLUTION TO THESE PROBLEMS ALLOWING APPLES AND PEARS TO COME IN UNDER A QUOTA AND A REDUCTION OF THE PERIOD RE-

QUIRED BY BRAZILIAN PRIOR DEPOSIT REGULATIONS TO
90 DAYS. ANTONIO LICIO (MINISTRY OF AGRICULTURE)
ASKED FOR AND RECEIVED A CLARIFICATION THAT THE
REQUESTED QUOTA OF 10,000 METRIC TONS APPLIED TO
BOTH APPLES AND PEARS. IN RESPONSE HE STATED THAT
THE GOB IS ENGAGED IN INTERNAL DISCUSSIONS ON THIS
SUBJECT AND FEELS THE PROSPECTS FOR SETTLEMENT ARE
GOOD. BRAZILIANS SUGGESTED THAT THEY TALK ABOUT

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R 111535Z MAY 78

FM AMEMBASSY BRASILIA
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ABOUT THE ISSUE IN JUNE CONSULTATIONS.

9. IN REGARD

TO GENERAL AVIATION ISSUES, THE USDEL
(MONTGOMERY) SAID THAT THE US BELIEVES AS A GENERAL
PRINCIPLE THAT A COUNTRY SHOULD PERMIT A REASONABLE
LEVEL OF IMPORTS IN E SECTOR EVEN WHEN IT IS JUST
BEGINNING PRODUCTION IN THAT SECTOR. THE COM-
PETITION FROM ABROAD HELPS THE COUNTRY BY STIMULA-

TING EFFICIENCY AND REDCUING COSTS. AS A CASE IN
POINT, CESSNA HAS EXPRESSED
CONCERN OVER NOT BEING
PERMITTED TO EXPORT TO BRAZIL AT THE SAME TIME PRICES
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OF BRAZILIAN AIRCRAFT
ARE CONSIDERABLY MORE
EXPENSIVE THAN SIMILAR MODELS MADE IN THE US.
CESSNA AND ITS BRAZILIAN PERTNER CAVU HAVE PROPOSED
INSTATTING AN ASSEMBLY PLANT IN BRAZIL. GOB
AUTHORITIES TURNED DOWN THE FIRST PROPOSAL, BUT THE
USG HOPES THEY WILL APPROVE THE REVISED PRO-
POSAL.

IN RESPONSE, THE BRAZILIAN DELEGATE (FONMIN'S HUGUENEY)
SAID THAT BRAZIL PROTECTS THE AVIATION INDUSTRY
UNDER PARTS A AND C OF GATT ARTICLE XVIII CONCERNING
INFANT INDUSTRIES. IN 1974 BRAZIL CONSIDERED
NEGOTIATIONS FORA WAIVER UNDER THIS ARTICLE BUT WES
INFOMRED BY THE US AND EC THAT IT SHOULD NEGOTIATE
UNDER ARTICLE XXVIII INSTEAD. BRAZILIAN IMPORTS
OF AIRCRAFT PARTS ARE NOW MUCH HIGHER IN
VALUE THAN THE PRVIOUS IMPORTS OF FINISHED AIR-
CRAFT. BREZILIAN AIRCRAFT PRICES ARE NECESSARITY
HIGHER THAN THOSE OF US AIRCREFT BECAUSE BRAZIL
IS ONLY JUST GETTING STARTED IN THIS HIGH TECHNOLOGY
FIELD. THE PRICES WOULD BE LOWER, HOWEVER

IF THE US WOULD NOT RAISE OBSTACLES TO BRAZILIAN
EXPORTS

SUCH AS THE LACK OF FAA CERTIFICETION OF
THE 19-PASSENGER BANDEIRANTE AIRPLANE.

10. MONTGOMERY REPLIED THAT IF BRAZIL WISHES TO
COMPETE IN THE US MARKET, UT MUST REALIZE THAT IT
IS NOT NOW PRICE-COMPETITIVE. INTRO-
DUCING COMPETITION IS ONE WAY TO REDUCE COSTS.
THE USG WOULD THEREFORE ENCOURAGE THE GOB TO
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APPROVE CESSNA'S APPLICATION FOR AN ASSEMBLY
PLANT.

11. LANDE ASKED WHETHER BRAZIL HAD THOUGHT OF
TAKING INTO ACCOUNT THE TRADITIONAL SUPPLIERS OF

AN ITEM SUCH AS AIRCRAFT AND ETTOWING THE NEW,
BRAZILIAN INDUSTRY TO TAKE ADVANTAGE OF THE GROWTH
IN THE MARKET.HUGUENEY ANSWERED THAT FOR THE
THREE SECTORS UNDER CONTROL, BRAZIL STILL IMPORTS
SMALL AIRPLANES,QUOTE HUGE AMOUNTS OF STEEL
PRODUCTS AND SIGNIFICANT NUMBERS END QUOTE OF
COMPUTERS. HE SAID IT WAS THEREFORE NOT A QUESTION
OF BRAZIL'S CLOSING ITS MARKET TO EXPORTERS IN THESE
SECTORS. THE BRAZILIAN AIRCRAFT INDUSTRY HAS
A NUMBER OF AIRCRAFT IN STOCK AND IT IS, THEREFORE,
NOT A QUESTION OF IMPORTS VERSUS DOMESTIC PRODUCTION.
IN RESPONSE TO A QUESTION FROM LANDE,HUGUENEY SAID
BRAZIL WOULD AGREE TO DISCUSS AVIATION AS PART OF
THE JUNE GENEVA DICUSSION, BUT PROSPECTS IN THIS
SECTOR WERE NOT AS BRIGHT AS IN APPLES AND PEARS.

12. THIS MESSAGE CLEARED BY LANDE AND OTHER DELEGATION
MEMBERS BUT NOT BY AMBASSADOR WOLFF.
JOHNSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
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Control Number: n/a
Copy: SINGLE
Draft Date: 11 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
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Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
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Status: NATIVE
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TAGS: ETRD, BR, US, MTN
To: STATE
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